

Amendment  
Serial No. 10/654,892  
Attorney Docket No. 053432

### **REMARKS**

Claims 1-22 are pending in the present application. Claims 1-20 are rejected. Claims 1, 3, 4, 8, 9 and 13-20 are herein amended. New claims 21 and 22 are added herein.

#### **Applicants' Response to Claim Objections**

The Office Action objects to claims 8 and 9, because the recitation of "at least two of said positioning slits" is confusing. The Office Action states that in the event that claim 6 is read to have only one positioning slit, there is no antecedent basis for the two positioning slits in claim 8.

In response, Applicants herein amend claims 8 and 9 in order to specify "two or more" positioning slits and positioning ribs. Applicants respectfully submit that this amendment provides proper antecedent basis for the positioning slits and positioning ribs recited in claims 8 and 9.

#### **Applicants' Response to Claim Rejections under 35 U.S.C. §112**

**Claims 1 and 3-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.**

It is the position of the Office Action that recitations such as "an opening edge of an elevating window" render the claims indefinite because it is unclear which edge of the window is the "opening edge." Applicants herein amend claims 1, 13 and 18 to delete the recitation of "an opening edge of" an elevating window.

The Office Action also states that recitations such as “a side wall” are indefinite because it is unclear whether the applicant is referring to the wall set forth in claim 1 or another wall in addition to the wall set forth in claim 1. In response, Applicants herein amend the claims in order to clarify the claimed “wall.” For instance, Applicants amend claim 1 to recite a wall generically, while claims 3 and 4 recite that the wall is a “side wall.” Claims 13 and 15-20 also contain similar recitations. Favorable reconsideration is respectfully requested.

**Applicants’ Response to Claim Rejections under 35 U.S.C. §102**

**Claims 1, 3-5, 13, 15, 17 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. 06-247143 (JP ‘143).**

It is the position of the Office Action that **JP ‘143** discloses the invention as claimed. The **JP ‘143** discloses three embodiments. Whereas the embodiment of Figure 1 was relied upon in the previous Office Action, the pending Office Action now relies on the embodiment of Figure 3.

The third embodiment of **JP ‘143** discloses three distinct resin parts: Door trim 25, installing clip 23 and weather strip 22. Installing clip 23 attaches to door panel 20 via a downward opening U-shaped portion 27, and contains an upward opening U-shaped portion 30 which attaches to weather strip 22. Installing clip 23 attaches to weather strip 22 and projection 45. Unlike the first embodiment, the door trim 25 is attached to a fitting portion 24, formed as an upward opening U-shape. It is noted that door trim 25 is attached interior relative to the attachment of the weather strip 22 to the door panel 20 via the installing clip 23.

As illustrated in Figure 2 of the application, the fitting portion of the inner belt molding M includes both a car inner side fitting portion 20 and a car outer side fitting portion 10. As disclosed in Figure 4 and the corresponding text, the car outer side fitting portion 10 receives the downward flange 52 of the trim board T. The car inner side fitting portion 20 receives the door panel P. Figure 4 specifically illustrates the inner and outer portions of the vehicle.

On the other hand, Figure 3 of **JP '143** discloses receiving the door panel 20 in a downward opening U-shaped portion 27 illustrated on the left hand side and receiving door trim 25 in an upward opening U-shaped portion 24 illustrated on the right hand side. The Office Action refers to the right hand side as the outer fitting portion and the left hand side on the inner fitting portion. The Office Action's support for this is unclear, as it is inconsistent with the disclosure of **JP '143**.

Further, it is noted that the Office Action argues that weatherstrip 22 comprises a fitting portion to be attached to the door panel 20. However, as noted above, weatherstrip 22 is actually attached to an attaching clip 23, which is attached to the door panel 20. It is unclear whether the Office Action is arguing that the weatherstrip 22 is indirectly attached to the door panel, or whether the Office Action regards attaching clip 23 as part of the weatherstrip. As noted above, weatherstrip 22 and attaching clip 23 are distinct components. Thus, Applicants respectfully submit that **JP '143** does not disclose "a fitting portion to be attached to the door inner panel" as recited by claim 1.

However, even if **JP '143** broadly discloses or suggests a fitting portion to be attached to a door inner panel, the claimed invention distinguishes over **JP '143**. Applicants respectfully

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submit that Figure 3 of **JP ‘143** discloses the opposite arrangement as the claimed invention. That is, the portion 27 which receives the door panel 20 is disposed towards the vehicle exterior, and the portion 24 which receives the trim board 25 is disposed towards the vehicle interior. This is the opposite arrangement as that which is recited in claim 1. However, Applicants herein amend claim 1 to recite a “car inner side fitting portion” and “car outer side fitting portion” in order to clarify the claimed structure.

Similarly, in response to the rejection of claim 13, Applicants amend the claim by incorporating the recitation that the “fitting portion includes a car outer side fitting portion having the upward opening groove and a car inner side fitting portion to be positioned interior of the outer fitting portion” from claim 14. Applicants respectfully submit that these amendments are sufficient to distinguish over **JP ‘143**.

Additionally, Applicants note that in the claimed invention, a force in the upward direction may act on the belt molding M when the window pane G elevates, due to a sliding resistance between the belt molding M and the upwardly directed sealing lips S of the window pane G. The belt molding M has an upward opening 11 in the car-outer fitting portion 10, which is disposed interior to the window pane G and exterior to the door panel P. Trim board T is inserted in upward opening 11, thus ensuring that the attaching portion of the belt molding M does not become unstable while the window pane G is moving upward. Consistent with these comments, Applicants herein add new claims 21 and 22, which recite that the sealing lip which is in contact with the window glass is directed upwardly.

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**Applicants' Response to Claim Rejections under 35 U.S.C. §103**

**Claims 6-10, 14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP '143 in view of Japanese Patent Publication No. 07-237448 (JP '448).**

It is the position of the Office Action that JP '143 discloses the invention as claimed, with the exception of teaching an attachment means to more fixedly secure the trim board to the belt molding. The Office Action relies on JP '448 to provide this teaching.

JP '448 discloses a weatherstrip having a slit 5 formed in an attaching part 4. JP '448 also discloses a clearance C formed between the attaching part 4 and the heads 3. Rib 6 of base material 7 slides into slit 5 of the weatherstrip, and the base material 7 slides into clearance C.

First, Applicants respectfully submit that weatherstrip 22 of JP '143 does not attach to the door panel 20 as discussed above. Additionally, Applicants respectfully submit that there is no suggestion or motivation in the art to modify the fitting section of JP '143 by adding positioning slits. In fact, JP '143 teaches away from such a modification since it teaches that the door trim 25 is held securely by elasticity lips 46 and 52, thus requiring no additional means of attachment. See paragraph [0032]. Even if there were a suggestion or motivation in the art to combine JP '143 and JP '448, it is unclear how one would do so. Since the majority of the upward opening groove of JP '143 is covered by elasticity lips 41, 46 and 52, it is unclear where a positioning slit would be disposed. Favorable reconsideration is respectfully requested.

**Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP '143 in view of Arata et al. (U.S. Patent No. 6,837,005).**

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It is the position of the Office Action that **JP '143** discloses the invention as claimed, with the exception of teaching a thermoplastic elastomer material and sealing lips made of a material which is capable of fusion bonding and is softer and more elastic than the fitting portion. The Office Action relies on **Arata** to provide this teaching. In response, Applicants respectfully submit that claims 11 and 12 are patentable due to their dependency on claim 1, which Applicants submit is patentable for the reasons discussed above.

**Claims 16 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP '143 in view of Dupuy et al. (U.S. Patent No. 4,447,065).**

It is the position of the Office Action that **JP '143** discloses the invention as claimed, with the exception of teaching a projecting holding lip provided on a bottom wall. The Office Action relies on **Dupuy** to provide this teaching. In response, Applicants respectfully submit that claims 11 and 12 are patentable due to their dependency on claims 1 and 13, which Applicants submit are patentable for the reasons discussed above.

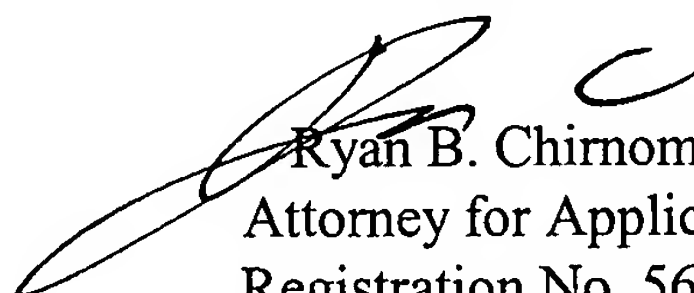
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned agent.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
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